

AMENDED IN SENATE JUNE 26, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 30, 2012

AMENDED IN ASSEMBLY APRIL 17, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1706**

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### Introduced by Assembly Member Eng

February 15, 2012

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An act to *add Section 11343.3 to the Government Code, and to amend, repeal, and add Section 35554 of, and to add and repeal Section 35554.1 of, of the Vehicle Code, relating to vehicles, and making an appropriation therefor. vehicles.*

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1706, as amended, Eng. Vehicles: transit bus weight.

(1) Under existing law, the gross weight imposed upon the highway by the wheels on any one axle of a vehicle is prohibited from exceeding 18,000 pounds, except the gross weight on any one axle of a bus is prohibited from exceeding 20,500 pounds. A violation of these requirements is a crime.

This bill would ~~instead exempt a transit bus from the limits on the weight that may be imposed upon the highway by the wheel of any one axle, until January 1, 2016, and as of that date, the bill would repeal that exemption for transit buses and reinstate the existing prohibition of 20,500 pounds for any one axle of a bus. The bill would, commencing January 1, 2013, and until January 1, 2016, prohibit a publicly owned or operated transit system or an operator of a transit system under~~

contract with a publicly owned or operated transit system from procuring through a solicitation process pursuant to which a solicitation is issued on or after January 1, ~~2013~~ 2019, a new transit bus whose ~~gross~~ *unladen weight on any axle exceeds 21,000 pounds, and whose gross weight on any one axle exceeds 22,400* 24,000 pounds. *The bill would prohibit a publicly owned or operated transit system, for the period between January 1, 2013, to January 1, 2019, inclusive, from procuring, through a solicitation process pursuant to which a solicitation is issued on or after January 1, 2013, a new transit bus whose unladen weight on any one axle exceeds 21,000 pounds, or whose gross laden weight on any one axle exceeds 24,000 pounds, unless every city and county through which the transit bus would operate has approved the procurement or the operation of the transit bus.* The bill would impose a state-mandated local program by imposing new requirements upon transit buses.

~~The bill would require the Secretary of Business, Transportation and Housing to convene a task force for the purpose of preparing a report concerning the maximum axle weight limitations in federal and state statutes applicable to transit buses. The bill would specify the information, analyses, and recommendations to be included in the report and would require the report to be submitted by January 1, 2015, to the appropriate committees of the Senate and Assembly that oversee transportation issues. The bill would appropriate \$500,000 from the Public Transportation Account to the secretary to prepare the report.~~

*Existing law requires state agencies to comply with specified procedures when promulgating and adopting administrative regulations.*

*The bill would require state regulatory agencies that are required to promulgate administrative regulations to take into account vehicle weight impacts and the ability of vehicle manufacturers and vehicle operators to comply with laws limiting the weight of vehicles.*

~~The bill would repeal these provisions on January 1, 2019.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~yes~~ *no*. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) Fully funded, efficient, and effective public transit systems  
4 operating in a balanced transportation network do all of the  
5 following:

6         (1) Support California's growing economy by moving people  
7 to their jobs and to educational sites, by providing well-paying  
8 and stable jobs, and by enhancing the value of surrounding real  
9 estate.

10        (2) Bolster the state's energy security by decreasing dependence  
11 on imported oil.

12        (3) Contribute to California's greenhouse gas reduction and air  
13 quality improvement goals.

14        (4) Save travelers time by mitigating traffic congestion as the  
15 state's population grows.

16        (5) Afford the safest means of motorized travel.

17        (6) Promote equitable access to affordable, reliable, and safe  
18 transportation for all Californians.

19     (b) The state should therefore support the continued building,  
20 maintenance, and operation of effective local and regional public  
21 transportation networks for, including, but not limited to, the  
22 following additional reasons:

23         (1) Every one billion dollars (\$1,000,000,000) invested in  
24 transportation infrastructure creates 47,500 jobs.

25         (2) Every one dollar (\$1) invested in public transportation  
26 generates approximately six dollars (\$6) in local economic activity.

27         (3) Real estate, including residential, commercial, and business,  
28 that is served by public transit is valued more highly by the public  
29 than similar properties not as well served by transit. For example,  
30 in the County of San Diego, residential properties for sale near  
31 commuter rail stops were valued 17 percent higher than properties  
32 for sale not near commuter rail stops.

33         (4) California oil production has steadily decreased since its  
34 peak in the 1980s, which has resulted in an increased need for  
35 imported oil. In 2006, California imported 55 percent, 328 of 593  
36 million barrels, of the oil that it consumed. If the cost of oil is  
37 calculated at ninety dollars (\$90) per barrel, this level of  
38 importation of oil results in twenty-nine billion five hundred

1 million dollars (\$29,500,000,000) annually leaving the state. Public  
2 transit in California currently reduces the need to import oil by  
3 creating savings of 486 million gallons of oil annually.

4 (5) Volatile organic compounds (VOCs) and nitrogen oxide  
5 (NOx) in high concentrations create dangerous air quality  
6 conditions that cause at least 6,500 premature deaths, 9,000  
7 hospitalizations, and 1,700,000 cases of respiratory illness annually  
8 in California. Public transportation reduces carbon monoxide (CO)  
9 by 95 percent, VOCs by 90 percent, and NOx by 50 percent, per  
10 passenger mile, compared to driving a private vehicle.

11 (6) To meet requirements set out by Assembly Bill 32 of the  
12 2005–06 Regular Session of the Legislature that enacted the  
13 California Global Warming Solutions Act of 2006 (Division 25.5  
14 (commencing with Section 38500) of the Health and Safety Code),  
15 and Executive Order S-3-05, California will have to reduce its per  
16 capita emissions from 13 metric tons to 9.5 metric tons by 2020  
17 and 2 metric tons by 2050. By taking existing public transportation  
18 instead of driving a car, a single person can save 2.1 metric tons,  
19 or 4,800 pounds, of carbon dioxide-~~(CO<sub>2</sub>)~~ (CO<sub>2</sub>) per year.

20 (7) In the next 10 years, the California population is expected  
21 to grow by over four million people, mostly in urban centers. This  
22 will lead to more time wasted in traffic congestion. In 2005, public  
23 transit prevented 540.8 million hours of traffic delay around the  
24 country, according to the Texas Transportation Institute. The  
25 monetary value of those savings was ten billion two hundred  
26 million dollars (\$10,200,000,000).

27 (8) Those traveling by personal vehicles or in trucks suffer much  
28 higher fatality rates than those traveling by public transit. The  
29 National Transportation Safety Board reports that 32,841 fatalities  
30 occurred during the 2010 calendar year on the nation's highways  
31 related to personal vehicle or truck use, but in the same year, only  
32 44 fatalities were recorded related to public transit bus use.

33 (9) By 2025, an estimated one in five Californians will be over  
34 65 years of age. Public transportation is already playing an  
35 important role for this demographic group, 20 percent of which  
36 does not drive.

37 (10) Californians recognize the benefits of public transportation  
38 and are responding with increased demand. Transit ridership is  
39 growing and particularly increases when the price of gasoline  
40 increases.

1 (c) However, as public transit ridership has increased, concerns  
2 arise about the long-term sustainability of the transportation  
3 network built to support cars, trucks, and buses, namely, that the  
4 increased frequency of transit bus use disproportionately damages  
5 city streets, county roads, and the state's highway and interstate  
6 systems, due to the pavement wear impact of heavy transit vehicles  
7 relative to other types of vehicles, as evidenced by the following:

8 (1) In 2002, the United States Congress directed the preparation  
9 by the Secretary of the United States Department of Transportation  
10 of a study on the federal and state maximum axle weight limitations  
11 applicable to vehicles using the Dwight D. Eisenhower National  
12 System of Interstate and Defense Highways, as the limitations  
13 apply to over-the-road buses and public transit vehicles. The  
14 study's purpose was to determinate how the requirements of the  
15 federal limitation on vehicle axle weights should be applied to  
16 over-the-road buses and public transit vehicles, and, in making  
17 those recommendations, to consider all of the following factors:

18 (A) Vehicle design standards.

19 (B) Statutory and regulatory requirements, including the federal  
20 Clean Air Act (42 U.S.C. Sec. 7401 et seq.) and the federal  
21 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101  
22 et seq.), as amended.

23 (C) Motor vehicle safety standards prescribed under Chapter  
24 301 of Title 49 of the United States Code (49 U.S.C. Sec. 30101  
25 et seq.).

26 (D) The availability of lightweight materials suitable for use in  
27 the manufacture of over-the-road buses.

28 (E) The cost of those lightweight materials relative to the cost  
29 of heavier materials in use as of the date of the determination.

30 (F) Any safety or design considerations relating to the use of  
31 those materials.

32 (2) The report specified in paragraph (1) also included an  
33 analysis of, and recommendations concerning, all of the following:

34 (A) The means to be considered to encourage the development  
35 and manufacture of lightweight buses.

36 (B) An analysis of, and recommendations concerning, whether  
37 Congress should require that each rulemaking by an agency of the  
38 federal government that affects the design or manufacture of motor  
39 vehicles consider the weight that would be added to the vehicle  
40 by implementation of the proposed rule.

1 (C) The effect that the added weight would have on pavement  
2 wear.

3 (D) The resulting cost to the federal government and state and  
4 local governments.

5 (3) In 2005, federal law was amended to temporarily provide  
6 an exemption from the federal vehicle weight limitations for transit  
7 vehicles on the Dwight D. Eisenhower National System of  
8 Interstate and Defense Highways (the Interstate System), and to  
9 prohibit specified states, including California, or any political  
10 subdivision of those states, from enforcing a transit vehicle weight  
11 limit of less than 24,000 pounds on the Interstate System. That  
12 exemption and prohibition are in place until June 30, 2012.

13 (d) The Vehicle Code currently places a restriction on the gross  
14 weight imposed upon the highway by the wheels of any one axle  
15 of a bus, which cannot exceed 20,500 pounds. However, that  
16 restriction was created in 1976 and is only 500 pounds heavier  
17 than the restriction generally placed on any other type of vehicle  
18 operating on the highways. In the case of vehicle axle weights, the  
19 term “highway” is interpreted to include city streets and county  
20 roads.

21 (e) The federal study specified in paragraph (1) of subdivision  
22 (c) referenced several reasons why public transit buses have  
23 become heavier over the years, particularly in the more than three  
24 decades since California first imposed a specific axle weight  
25 limitation on buses, as follows:

26 (1) Requirements placed on bus manufacturers, as well as on  
27 providers of local public transit service, to comply with new federal  
28 and state laws and regulations.

29 (2) Heavier fuel tanks to safely contain alternative fuels such  
30 as natural gas that are necessary to meet air quality standards and  
31 engine emissions standards imposed on buses.

32 (3) Wheelchair lifts and other safety equipment necessary to  
33 transport disabled passengers pursuant to the federal Americans  
34 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as  
35 amended.

36 (f) Some local law enforcement agencies have begun to cite  
37 some operators of public transportation services for operating  
38 transit vehicles in excess of the California axle weight limitations  
39 for buses, thus threatening disruption of efficient and effective  
40 public transit service that otherwise complies with all applicable

1 federal and state laws and regulations, including those laws and  
2 regulations that have compelled operation of heavier transit buses.

3 (g) Therefore, it is vital the state act immediately to clarify that  
4 the public transit vehicles currently operating in California are  
5 permitted to continue in transit service without disruption due to  
6 the state's outdated transit bus weight limitation, while a study  
7 is prepared analyzing all of the following: *limitation.*

8 (1) ~~The appropriate transit bus axle weight limitations to reflect~~  
9 ~~current federal and state laws affecting vehicle manufacture.~~

10 (2) ~~The availability of, and the ability of manufacturers to utilize,~~  
11 ~~lighter-weight materials in the manufacture and integration of~~  
12 ~~transit buses.~~

13 (3) ~~Other alternative strategies to ensure the long-term~~  
14 ~~sustainability of the transportation network, including the Interstate~~  
15 ~~System, state highways, local streets and roads, and public transit~~  
16 ~~systems.~~

17 (4) ~~A comparison of the costs of maintaining the status quo~~  
18 ~~versus the potential cost to state and local governments of adopting~~  
19 ~~new vehicle axle weight standards for transit buses.~~

20 (5) ~~Requiring the use of lighter-weight materials in the~~  
21 ~~manufacture and integration of buses.~~

22 (6) ~~Alternative strategies for ensuring the sustainability of the~~  
23 ~~transportation network.~~

24 *SEC. 2. Section 11343.3 is added to the Government Code, to*  
25 *read:*

26 *11343.3. Notwithstanding any other law, a state agency that*  
27 *is required to promulgate administrative regulations, including,*  
28 *but not limited to, the State Air Resources Board, the California*  
29 *Environmental Protection Agency, the State Energy Resources*  
30 *Conservation and Development Commission, and the Department*  
31 *of Motor Vehicles, shall take into account vehicle weight impacts*  
32 *and the ability of vehicle manufacturers or vehicle operators to*  
33 *comply with laws limiting the weight of vehicles.*

34 ~~SEC. 2.~~

35 *SEC. 3. Section 35554 of the Vehicle Code is amended to read:*

36 35554. (a) Notwithstanding Section 35550, the gross weight  
37 on any one axle of a bus shall not exceed 20,500 pounds.

38 (b) A transit bus is not subject to subdivision (a).

39 (c) A transit bus is not subject to Section 35550.

(d) (1) A publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system shall not procure, through a solicitation process pursuant to which a solicitation is issued on or after January 1, ~~2013~~ 2019, a new transit bus whose ~~gross weight on any one axle~~ *unladen weight on any one axle exceeds 21,000 pounds, and whose gross weight on any axle exceeds ~~22,400~~ 24,000 pounds.*

(2) This subdivision shall not apply to any solicitation that has been issued prior to or is pending as of January 1, ~~2013~~ 2019.

(3) *For the period between January 1, 2013, to January 1, 2019, inclusive, a publicly owned or operated transit system or an operator of a transit system under contract with a publicly owned or operated transit system shall not procure, through a solicitation process pursuant to which a solicitation is issued on or after January 1, 2013, a new transit bus whose unladen weight on any one axle exceeds 21,000 pounds, or whose gross weight on any one axle exceeds 24,000 pounds, unless every city and county through which the transit bus would operate has approved the procurement or the operation of the transit bus.*

(4) *This subdivision shall not apply to a transit bus that is operated in compliance with state and federal air quality regulations requiring a demonstration program, including a hydrogen fuel cell bus, or other zero emission or near zero emission bus.*

(e) *No bus shall operate on the Dwight D. Eisenhower System of Interstate and Defense Highways in excess of the weight limitation for transit buses specified in federal law.*

(f) (1) *The gross weight limits specified in paragraphs (1) and (3) of subdivision (d) shall be revised to conform to any changes in vehicle weight limits for public transit buses that may be prescribed in Section 127 of Title 23 of the United States Code (23 U.S.C. Sec. 127), if those changes take effect after July 1, 2013.*

(2) *Any new weight limit required pursuant to paragraph (1) would apply to the operation of transit buses on all highways, streets, and roads in this state.*

~~(e) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.~~

~~SEC. 3. Section 35554 is added to the Vehicle Code, to read:~~



1     ~~35554. (a) Notwithstanding Section 35550, the gross weight~~  
2 ~~on any one axle of a bus shall not exceed 20,500 pounds.~~

3     ~~(b) This section shall become operative on January 1, 2016.~~

4     ~~SEC. 4. Section 35554.1 is added to the Vehicle Code, to read:~~

5     ~~35554.1. (a) For purposes of this section, “secretary” means~~  
6 ~~the Secretary of Business, Transportation and Housing.~~

7     ~~(b) The secretary shall convene a task force to oversee the~~  
8 ~~preparation of a report concerning the maximum axle weight~~  
9 ~~limitations in federal and state statutes applicable to transit buses~~  
10 ~~using the highways, streets, and roads of the state and to transit~~  
11 ~~buses using the portions in the state of the Dwight D. Eisenhower~~  
12 ~~National System of Interstate and Defense Highways subject to~~  
13 ~~Section 127 of Title 23 of the United States Code, and to~~  
14 ~~recommend strategies relative to measuring and enforcing transit~~  
15 ~~bus weight limits, designing and manufacturing transit buses, and~~  
16 ~~updating and utilizing the most effective and efficient pavement~~  
17 ~~design standards when designing and constructing highways,~~  
18 ~~streets, and roads, to ensure the sustainability of the state’s~~  
19 ~~transportation network of highways, streets, roads, and public~~  
20 ~~transit systems.~~

21     ~~(c) The task force shall consist of all of the following:~~

22     ~~(1) Two representatives of public transportation systems, as~~  
23 ~~determined by the California Transit Association.~~

24     ~~(2) Two representatives of bus manufacturers, bus component~~  
25 ~~integrators, or bus component manufacturers, as determined by~~  
26 ~~the California Transit Association.~~

27     ~~(3) Three representatives of cities, as determined by the League~~  
28 ~~of California Cities.~~

29     ~~(4) One representative of counties, as determined by the~~  
30 ~~California State Association of Counties.~~

31     ~~(5) A representative of the Department of Transportation.~~

32     ~~(6) A representative of the Department of the California~~  
33 ~~Highway Patrol.~~

34     ~~(d) The report shall include all of the following:~~

35     ~~(1) A determination concerning any changes that should be~~  
36 ~~made to the requirements of Section 35554, as that section read~~  
37 ~~on January 1, 2012, regarding the application of axle weight limits~~  
38 ~~to transit buses.~~

39     ~~(2) An analysis of the applicability of the weight restrictions in~~  
40 ~~Section 35554, as that section read on January 1, 2012, compared~~

1 to the requirements of federal and state laws and regulations that  
2 affect the weight of transit buses.

3 ~~(3) Recommendations relative to updating the pavement design~~  
4 ~~standards utilized by the Department of Transportation in designing~~  
5 ~~and constructing highways and by local governments in designing~~  
6 ~~and constructing streets and roads, given the necessity of~~  
7 ~~maintaining a sustainable transportation network that includes the~~  
8 ~~provision of adequate public transportation service by bus, and the~~  
9 ~~requirements of federal and state laws and regulations that affect~~  
10 ~~the weight of transit buses.~~

11 ~~(4) An analysis of, and recommendations concerning, whether~~  
12 ~~the Legislature should require that each state agency that adopts~~  
13 ~~regulations that affect the design or manufacture of motor vehicles~~  
14 ~~consider all of the following:~~

15 ~~(A) The weight that would be added to the vehicle by~~  
16 ~~implementation of the proposed regulation.~~

17 ~~(B) The effect that the added weight would have on pavement~~  
18 ~~wear.~~

19 ~~(C) The resulting cost to the state and local governments.~~

20 ~~(5) An analysis relating to the axle weight of transit buses that~~  
21 ~~compares the costs of the pavement wear caused by transit buses~~  
22 ~~with the costs of the pavement wear caused by other vehicles,~~  
23 ~~including trucks or vehicles such as municipal garbage trucks or~~  
24 ~~fire engines.~~

25 ~~(e) In preparing the report required by this section, the secretary~~  
26 ~~shall consider all of the following:~~

27 ~~(1) Vehicle design standards, including those relating to~~  
28 ~~durability and corrosion, and the typical operating environments~~  
29 ~~of transit vehicles.~~

30 ~~(2) Statutory and regulatory requirements, including the federal~~  
31 ~~Clean Air Act (42 U.S.C. Sec. 7401 et seq.), the federal Americans~~  
32 ~~with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), as~~  
33 ~~amended, and the transit bus engine emission regulations and~~  
34 ~~standards adopted by the State Air Resources Board and by~~  
35 ~~individual air quality management districts.~~

36 ~~(3) Federal motor vehicle safety standards prescribed under~~  
37 ~~Chapter 301 of Title 49 of the United States Code (49 U.S.C. Sec.~~  
38 ~~30101 et seq.).~~

39 ~~(4) The availability of lightweight materials suitable for use in~~  
40 ~~the manufacture of transit buses, the cost of those lightweight~~

1 materials relative to the cost of heavier materials in use as of the  
2 date of the determination, and any safety or design considerations  
3 relating to the use of those materials.

4 (5) ~~The necessity of vehicle amenities that are attractive to~~  
5 ~~existing or prospective transit passengers.~~

6 (6) ~~Any available information pertaining to the means to~~  
7 ~~encourage the development and manufacture of lightweight transit~~  
8 ~~buses.~~

9 (7) ~~Any other pertinent data in the report by the Secretary of~~  
10 ~~the United States Department of Transportation entitled Study &~~  
11 ~~Report to Congress: Applicability of Maximum Axle Weight~~  
12 ~~Limitations to Over-the-Road and Public Transit Buses Pursuant~~  
13 ~~to Senate Report No. 107-38, dated December 2003.~~

14 (8) ~~The latest interpretation by the Federal Transit~~  
15 ~~Administration and by the Federal Highway Administration of the~~  
16 ~~applicability of Section 127 of Title 23 of the United States Code~~  
17 ~~as it pertains to enforcement in California of federal limitations~~  
18 ~~on transit bus weight.~~

19 (f) ~~The secretary shall submit this report to the appropriate~~  
20 ~~committees of the Senate and Assembly that oversee transportation~~  
21 ~~issues on or before January 1, 2015. The report shall be submitted~~  
22 ~~in compliance with Section 9795 of the Government Code.~~

23 (g) ~~For the purposes of preparing the report required by this~~  
24 ~~section, five hundred thousand dollars (\$500,000) from the Public~~  
25 ~~Transportation Account is hereby appropriated to the secretary.~~  
26 ~~The secretary shall expend the money consistent with the duties~~  
27 ~~of the Department of Transportation as specified in subdivision~~  
28 ~~(e) or (d) of Section 99315 of the Public Utilities Code.~~

29 (h) ~~This section is repealed on January 1, 2019, pursuant to~~  
30 ~~Section 10231.5 of the Government Code unless a later enacted~~  
31 ~~statute, that is enacted before January 1, 2019, deletes or extends~~  
32 ~~that date.~~

33 **SEC. 5.**

34 *SEC. 4.* No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the penalty  
39 for a crime or infraction, within the meaning of Section 17556 of  
40 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O